

Before the
FEDERAL COMMUNICATIONS COMMISSION DA 96-1506
Washington, D.C. 20554

In the Matter of)	MM Docket No. 96-189
)	
Lamoille Broadcasting and)	
Communications)	
)	
Licensee of Station WSJR(AM))	
Madawaska, Maine)	
)	
Order to Show Cause Why the)	
License for Station WSJR(AM))	
Madawaska, Maine Should Not)	
be Revoked)	

**ORDER TO SHOW CAUSE
AND
HEARING DESIGNATION ORDER**

Adopted: August 28, 1996

Released: September 10, 1996

By the Assistant Chief, Audio Services Division:

1. The Assistant Chief, Audio Services Division, Mass Media Bureau, has before him for consideration: (a) a license held by Lamoille Broadcasting and Communications ("Lamoille") for Station WSJR(AM), Madawaska, Maine, and (b) the results of an investigation into WSJR(AM)'s silent status.¹

2. The Commission's records indicate that WSJR(AM) has been off the air since March 7, 1994, and that the special temporary authority permitting the station to remain silent expired September 1, 1995.² The Commission sent an inquiry letter on January 9, 1996, and requested Lamoille to submit information concerning its compliance with Section 73.1740

¹ The Mass Media Bureau has been delegated authority to issue and release Show Cause Orders in cases involving silent broadcast stations. See Debrine Communications, Inc., 7 FCC Rcd 2118 (1992).

² WSJR(AM)'s license expires on April 1, 1998 (File No. BR-901115UF, granted March 27, 1991).

(Minimum Operating Schedule) of the Commission's Rules. On March 5, 1996, Lamoille filed its response and requested further extension of silence authority. In its request, Lamoille stated that it was in the process of selling the station. It further indicated that this process should be completed on or about March 15, 1996, and that it anticipated filing a status report with the Commission regarding the outcome of its efforts prior to April 1, 1996. Our records reveal that neither an application for the assignment or transfer of control of the station's license nor a status report has been filed. Further, Lamoille offers no evidence that such efforts will succeed in the near future and that the station can expeditiously resume operations. The station has been silent for a protracted period of time and the licensee has failed to demonstrate that causes beyond its control warrant the station's continued silence. Lamoille's request does not provide good cause for the continued extension of its special temporary authority. Consequently, WSJR(AM) is in apparent violation of Sections 73.1740(a)(4)³ and 73.1750⁴ of the Commission's Rules.

3. Accordingly, IT IS ORDERED, That pursuant to Section 312(a)(3) and (4) of the Communications Act of 1934, as amended, Lamoille Broadcasting and Communications IS DIRECTED TO SHOW CAUSE why the license for Station WSJR(AM) should not be REVOKED, at a hearing to be held at a time and location specified in a subsequent Order, upon the following issues:

³ Section 73.1740(a)(4) provides:

"In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the licensee will so notify the FCC of this date. If the causes beyond the control the licensee make it impossible to comply with the allowed period, an informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary."

⁴ Section 73.1750 provides:

"The licensee of each station shall notify the FCC in Washington, D.C. of permanent discontinuance of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the FCC, Washington, D.C. for cancellation."

- (a) To determine whether Lamoille Broadcasting and Communications has the capability and intent to expeditiously resume broadcast operations of WSJR(AM) consistent with the Commission's Rules.
- (b) To determine whether Lamoille Broadcasting and Communications has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.
- (c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Lamoille Broadcasting and Communications is qualified to be and remain the licensee of Station WSJR(AM).

4. IT IS FURTHER ORDERED, That, pursuant to Section 312(d) of the Communications Act of 1934, as amended, both the BURDEN OF PROCEEDING with the introduction of evidence and the BURDEN OF PROOF with respect to the issues specified above shall be upon the MASS MEDIA BUREAU.

5. IT IS FURTHER ORDERED, That to avail itself of the opportunity to be heard, the licensee, pursuant to Section 1.91(c) of the Commission's Rules, SHALL FILE with the Commission within thirty (30) days of the receipt of this Order a WRITTEN APPEARANCE stating that he will appear at the hearing and present evidence on the matters specified in the Order. If the licensee fails to file a written appearance within the time specified, or within thirty (30) days of receipt of this Order the licensee files a written statement expressly waiving its right to a hearing, the licensee's right to a hearing SHALL BE DEEMED TO BE WAIVED. In the event the right to a hearing is waived, the Presiding Judge, or the Chief Administrative Law Judge if no Presiding Judge has been designated, SHALL TERMINATE the hearing proceeding and CERTIFY this case to the Commission in the regular course of business, and an appropriate Order shall be entered.⁵

FEDERAL COMMUNICATIONS COMMISSION

Stuart B. Bedell
Assistant Chief, Audio Services Division
Mass Media Bureau

⁵ The Mass Media Bureau has been delegated authority to issue Revocation Orders in cases involving silent broadcast stations. See Radio Northwest Broadcasting Company, 4 FCC Rcd 596, n.3 (1989).